

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

MARIANA MORENO and MARISA  
WELLINGTON,

Plaintiff,

vs.

NEWREZ, LLC, d/b/a SHELLPOINT  
MORTGAGE SERVICING,

Defendant.

Case No. 3:21-cv-00103-JMK

**ORDER GRANTING  
DEFENDANT'S MOTION TO  
COMPEL**

Pending before the Court at Docket 28 is Defendant NewRez, LLC d/b/a Shellpoint Mortgage Servicing's Motion to Compel (the "Motion"). Plaintiffs Mariana Moreno and Marisa Wellington did not oppose or otherwise respond to the Motion. Defendant filed a reply at Docket 29, requesting that the Court (i) order that Plaintiffs' objections to Defendant's discovery requests are waived, (ii) order Plaintiffs to respond to Defendant's discovery requests as soon as possible, and (iii) set a briefing schedule on a motion for sanctions, to include counsel's fees and costs in advancing the Motion.<sup>1</sup>

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<sup>1</sup> [Docket 29 at 1.](#)

Defendant served Plaintiffs with Interrogatories and Requests for Production on May 10, 2022.<sup>2</sup> The Federal Rules of Civil Procedure provide that a party must serve its responses and any objections to interrogatories and requests for production within thirty days of service.<sup>3</sup> Failure to timely object to discovery requests constitutes a waiver of all objections unless the court, for good cause, excuses the failure.<sup>4</sup> Further, pursuant to D. Alaska Loc. Civ. R. 7.1(h), “[t]he failure to respond to a non-dispositive motion . . . subjects the motion to summary ruling by the court and may be deemed an admission that the motion is well taken.”

Despite the passage of nearly a year, Plaintiffs have not responded to Defendant’s discovery requests.<sup>5</sup> Defendant has conferred with Plaintiffs numerous times, agreeing to multiple extensions and, despite Plaintiffs’ counsel promising on numerous occasions to send the discovery responses to Defendant in the “next few days” or within the week, the discovery responses remain outstanding.<sup>6</sup> By failing to timely object or respond to the present Motion, Plaintiffs have waived any objections to the Interrogatories or Requests for Production.<sup>7</sup>

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<sup>2</sup> [Docket 28 at 2](#); [Docket 28-1](#).

<sup>3</sup> [Fed. R. Civ. P. 33\(b\)\(4\)](#), [34\(b\)\(2\)\(A\)](#).

<sup>4</sup> [Richmark Corp. v. Timber Falling Consultants](#), 959 F.2d 1468, 1473 (9th Cir. 1992) (“It is well established that a failure to object to discovery requests within the time required constitutes a waiver of any objection.”); [Fed. R. Civ. P. 33\(b\)\(4\)](#).

<sup>5</sup> [Docket 28 at 3](#).

<sup>6</sup> [Docket 28-2](#).

<sup>7</sup> [Stewart v. Fu](#), No. 2:19-cv-0286-JAM-CKD, 2021 WL 516709, at \*2 (E.D. Cal. Feb. 11, 2021); [Petros v. Duncan](#), No. 1:19-cv-00277-SAB, 2020 WL 6786196, at \*3 (E.D. Cal. Oct. 6, 2020).

Accordingly, the Motion at Docket 28 is GRANTED. Plaintiffs' objections to the Interrogatories and Requests for Production served on May 10, 2022, are waived. Plaintiffs are ordered to answer the Interrogatories and produce all documents responsive to the Requests for Production within twenty-one (21) days of this Order. If Defendant wishes to move for sanctions in connection with the Motion, it shall file a motion for sanctions within fourteen (14) days of this Order. The briefing schedule on any motion for sanctions shall then proceed in compliance with D. Alaska Loc. Civ. R. 7.2. After briefing is completed, the Court will assess whether a hearing on the motion for sanctions is necessary.

IT IS SO ORDERED this 10th day of May, 2023, at Anchorage, Alaska.

/s/ Joshua M. Kindred  
JOSHUA M. KINDRED  
United States District Judge